

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

03-MDL-1570 (GBD)(SN)

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ROBERT ABERNETHY as Personal Representative
of the Estate of ROBERT ABERNETHY, SR.,
Deceased;

ROBERT ABERNETHY as surviving Child of
ROBERT ABERNETHY, SR., Deceased;

18-cv-12309

JILL ACCARDI as Personal Representative of the
Estate of WILLIAM MUNDY, Deceased;
JILL ACCARDI as surviving Child of WILLIAM
MUNDY, Deceased;

**SAUDI ARABIA SHORT FORM
COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

JEVON WILLIAM ALEXANDER CASTRILLO, as
surviving Child of CEECEE ROSS LYLES,
Deceased;

JOSEPH AMBROSIO as Personal Representative of
the Estate of JOANNE HAMM, Deceased;
JOSEPH AMBROSIO as surviving Spouse of
JOANNE HAMM, Deceased;

ROBERT C. ANDERSON as Personal
Representative of the Estate of CARL P.
ANDERSON, Deceased;
ROBERT C. ANDERSON as surviving Child of
CARL P. ANDERSON, Deceased;

PASQUA ANDRIANI as Personal Representative of
the Estate of ANTONIO ANDRIANI, Deceased;
PASQUA ANDRIANI as surviving Spouse of
ANTONIO ANDRIANI, Deceased;

ANNE ANGELINI, as surviving Parent of JOSEPH
J. ANGELINI, JR., Deceased;

ANNMARIE ANGELINI, as surviving Sibling of
JOSEPH J. ANGELINI, JR., Deceased;

MARY M. ANGELINI, as surviving Sibling of
JOSEPH J. ANGELINI, JR., Deceased;

MICHAEL P. ANGELINI, as surviving Sibling of
JOSEPH J. ANGELINI, JR., Deceased;

JOANNE ANZALONE as Personal Representative of
the Estate of SALVATORE ANZALONE, Deceased;
JOANNE ANZALONE as surviving Spouse of
SALVATORE ANZALONE, Deceased;

JO-ANN AURELLO as Personal Representative of
the Estate of CHARLES AURELLO, Deceased;
JO-ANN AURELLO as surviving Spouse of
CHARLES AURELLO, Deceased;

GEORGE BACHMANN as Personal Representative
of the Estate of ANNE MARIE BACHMANN,
Deceased;
GEORGE BACHMANN as surviving Spouse of
ANNE MARIE BACHMANN, Deceased;

NICK BAVAS, Individually;

ELLEN BERRY as Personal Representative of the
Estate of MICHAEL P. BERRY, Deceased;
ELLEN BERRY as surviving Spouse of MICHAEL
P. BERRY, Deceased;

MATTHEW BLAIR as Personal Representative of
the Estate of ROBERT, BLAIR, Deceased;
MATTHEW BLAIR as surviving Child of ROBERT,
BLAIR, Deceased;

ROBERT BLAIR, JR. as Personal Representative of
the Estate of ROBERT BLAIR, Deceased;
ROBERT BLAIR, JR. as surviving Child of
ROBERT BLAIR, Deceased;

GLORIA BROWNE-MARSHALL as Personal
Representative of the Estate of ERNEST
MARSHALL, Deceased;
GLORIA BROWNE-MARSHALL as surviving
Spouse of ERNEST MARSHALL, Deceased;

LAWRENCE M. BYRNES, JR. as Personal
Representative of the Estate of LAWRENCE M.
BYRNES, Deceased;

LAWRENCE M. BYRNES, JR. as surviving Child of
LAWRENCE M. BYRNES, Deceased;

THOMAS A. CLEARY as Personal Representative
of the Estate of THOMAS ALFRED CLEARY,
Deceased;
THOMAS A. CLEARY as surviving Child of
THOMAS ALFRED CLEARY, Deceased;

KATHLEEN COYNE as Personal Representative of
the Estate of PETER SHERIDAN, Deceased;
KATHLEEN COYNE as surviving Sibling of PETER
SHERIDAN, Deceased;

JUNE DALCORTIVO as Personal Representative of
the Estate of ANDREW DALCORTIVO, Deceased;
JUNE DALCORTIVO as surviving Child of
ANDREW DALCORTIVO, Deceased

MILDRED DIELE as Personal Representative of the
Estate of JOHN DIELE, Deceased;
MILDRED DIELE as surviving Spouse of JOHN
DIELE, Deceased;

ANNE DIERKING as Personal Representative of the
Estate of RONALD WOLKEN, Deceased;
ANNE DIERKING as surviving Spouse of RONALD
WOLKEN, Deceased;

MARK DIMOR as Personal Representative of the
Estate of DONNA HERSH, Deceased;
MARK DIMOR as surviving Spouse of DONNA
HERSH, Deceased;

MARGARET DOYLE, as surviving Sibling of
TERENCE M. LYNCH, Deceased;

MARGARET DOYLE as Personal Representative of
the Estate of EDWARD DOYLE, Deceased;
MARGARET DOYLE as surviving Parent of
EDWARD DOYLE, Deceased;

ROBERT JOSEPH FISHER as Personal
Representative of the Estate of JOHN SCHEUER,
Deceased;

KRISTI FODERA as Personal Representative of the
Estate of VINCENT FODERA, Deceased;

KRISTI FODERA as surviving Spouse of VINCENT FODERA, Deceased;

KRISTEN FOLBERTH as Personal Representative of the Estate of ROBERT, BLAIR, Deceased;
KRISTEN FOLBERTH as surviving Child of ROBERT, BLAIR, Deceased;

DIANE FRIEL as Personal Representative of the Estate of PETER FRIEL, Deceased;
DIANE FRIEL as surviving Spouse of PETER FRIEL, Deceased;

JENNIFER A. GAGLIARDO-VIZZA as Personal Representative of the Estate of FRANCIS VIZZA, Deceased;
JENNIFER A. GAGLIARDO-VIZZA as surviving Spouse of FRANCIS VIZZA, Deceased;

KAREN GAINES as Personal Representative of the Estate of SCOTT GAINES, Deceased;
KAREN GAINES as surviving Spouse of SCOTT GAINES, Deceased;

CHRISTOPHER GIBBS as Personal Representative of the Estate of ANGELA GIBBS, Deceased;
CHRISTOPHER GIBBS as surviving Child of ANGELA GIBBS, Deceased;

MARTHA GLESS as Personal Representative of the Estate of ROBERT GLESS, Deceased;
MARTHA GLESS as surviving Spouse of ROBERT GLESS, Deceased;

LARISA GORDEYCHUK as Personal Representative of the Estate of ALEKSANDR GORDEYCHUK, Deceased;
LARISA GORDEYCHUK as surviving Spouse of ALEKSANDR GORDEYCHUK, Deceased;

RICHARD GOULD as Personal Representative of the Estate of MICHAEL CAPPI, Deceased;

DENISE GROSSARTH as Personal Representative of the Estate of GLENN GROSSARTH, Deceased;
DENISE GROSSARTH as surviving Spouse of GLENN GROSSARTH, Deceased;

GWENDOLYN HANLON as Personal Representative of the Estate of KEVIN HANLON, Deceased;
GWENDOLYN HANLON as surviving Spouse of KEVIN HANLON, Deceased;

JODY HAWKES as Personal Representative of the Estate of ROBERT HAWKES, Deceased;
JODY HAWKES as surviving Spouse of ROBERT HAWKES, Deceased;

MERYL HECHTMAN as Personal Representative of the Estate of ALAN HECHTMAN, Deceased;
MERYL HECHTMAN as surviving Spouse of ALAN HECHTMAN, Deceased;

JANICE HELFENSTEIN as Personal Representative of the Estate of JOSEPH HELFENSTEIN, Deceased;
JANICE HELFENSTEIN as surviving Spouse of JOSEPH HELFENSTEIN, Deceased;

ROBERT HUMANN, Individually;

PORTIA JOHNSON as Personal Representative of the Estate of VANCLIVE JOHNSON, Deceased;
PORTIA JOHNSON as surviving Spouse of VANCLIVE JOHNSON, Deceased;

LAUREN KIEFER, as surviving Sibling of MICHAEL VERNON KIEFER, Deceased;

JEREMY KYRKOSTAS as Personal Representative of the Estate of WILLIAM KYRKOSTAS, Deceased;
JEREMY KYRKOSTAS as surviving Child of WILLIAM KYRKOSTAS, Deceased;

STEVEN LAKEMAN as Personal Representative of the Estate of GEORGETTA LAKEMAN, Deceased;
STEVEN LAKEMAN as surviving Spouse of GEORGETTA LAKEMAN, Deceased;

JOAN LALICATA as Personal Representative of the Estate of SALVATORE LALICATA, Deceased;
JOAN LALICATA as surviving Spouse of SALVATORE LALICATA, Deceased;

ROBERT K. LANDAU as Personal Representative
of the Estate of ROBERT A. LANDAU, Deceased;
ROBERT K. LANDAU as surviving Child of
ROBERT A. LANDAU, Deceased;

MELISSA LAWSON as executor of the estate of
ROGER STEINERT, Deceased;
MELISSA LAWSON as surviving child of ROGER
STEINERT, Deceased;

WINSTON LEWIS as Personal Representative of the
Estate of CHARLES WILLIAMS, Deceased;
WINSTON LEWIS as surviving Child of CHARLES
WILLIAMS, Deceased;

JOANN LONG as Personal Representative of the
Estate of LIBORIO PALMERI, Deceased;
JOANN LONG as surviving Child of LIBORIO
PALMERI, Deceased;

MICHELLE LUCHETTI as Personal Representative
of the Estate of ALFRED LUCHETTI, Deceased;
MICHELLE LUCHETTI as surviving Child of
ALFRED LUCHETTI, Deceased;

DARRYL STECKLER, Individually;

CHRISTOPHER WALSH, Individually;

Plaintiff(s),

-against-

KINGDOM OF SAUDI ARABIA,

Defendant,

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Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks ("September 11, 2001 Terrorist Attacks"), as permitted and approved by the Court's Order of July 10, 2018, ECF No. 4045. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463, or (b) the Complaint

Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1.

Upon filing this Saudi Arabia Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act)
- ☒ 28 U.S.C. § 1330 (actions against foreign states)
- ☐ Other (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP):

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [**check only one complaint**] and the following causes of action set

forth in that complaint:

- ☐ **Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463 (check all causes of action that apply)**
 - ☐ COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).
 - ☐ COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
 - ☐ COUNT III – Committing Acts of International Terrorism in violation of 18 U.S.C. § 2333.
 - ☐ COUNT IV – Wrongful Death.
 - ☐ COUNT VI – Alien Tort Claims Act.
 - ☐ COUNT VII – Assault and Battery.
 - ☐ COUNT VIII – Conspiracy.
 - ☐ COUNT IX – Aiding and Abetting.
 - ☐ COUNT X – Intentional Infliction of Emotional Distress.
 - ☐ COUNT XII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
 - ☐ COUNT XIII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
 - ☐ COUNT XIV – 18 U.S.C. § 1962(a)–(d) – CIVIL RICO.
 - ☐ COUNT XV – Trespass.
 - ☐ COUNT XVI – Violations of International Law.
- ☒ **Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1 (check all causes of action that apply)**
 - ☒ First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-

Terrorism Act or ATA)

- ☒ First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☒ Second Cause of Action for Wrongful Death Damages Pursuant to State Tort Law
- ☒ Second Cause of Action for Personal Injury Damages Pursuant to State Tort Law
- ☒ Third Cause of Action for Wrongful Death Damages Pursuant to the Alien Tort Claims Act
- ☒ Third Cause of Action for Personal Injury Damages Pursuant to the Alien Tort Claims Act
- ☐ Each Plaintiff asserts the following additional theories and/or Causes of Action against the Kingdom of Saudi Arabia:

IDENTIFICATION OF PLAINTIFFS

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Saudi Arabia Short Form Complaint, herein referred to as “Plaintiffs.”

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Saudi Arabia Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.

- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Saudi Arabia Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- f. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

- 5. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

NO WAIVER OF OTHER CLAIMS

- 6. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.

- 7. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

JURY DEMAND

- 8. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth

in this Saudi Arabia Short Form Complaint as appropriate.

Dated: December 28, 2018

Respectfully submitted,

KREINDLER & KREINDLER LLP

BY: /s/ James P. Kreindler
James P. Kreindler, Esq.

BY: /s/ Justin T. Green
Justin T. Green, Esq.

BY: /s/ Steven R. Pounian
Steven R. Pounian, Esq.

BY: /s/ David C. Cook
David C. Cook, Esq.

BY: /s/ Megan W. Benett
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